

PATENT COOPERATION TREATY

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25 JAN 2005

PCT
HECKITT BENCKISER
GROUP PATENTS DEPT

From the INTERNATIONAL SEARCHING AUTHORITY

To:
RECKITT BENCKISER PLC
Attn. John Crawford McKnight
Group Patents Dept.
Dansom Lane
Hull, Yorkshire HU8 7DS
UNITED KINGDOM

TO: JMH	
TO: KH 25/1	
CASE NUMBER	
11293P5 WO	
DI: KH	
RECKITT BENCKISER	
INVOICE	

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

Art 19 Amends - 21/3/05
Demand/WO resp - 23/5/05
(PCT Rule 44.1)

Applicant's or agent's file reference 11293P5 WO/JCM	Date of mailing (day/month/year) 21/01/2005
International application No. PCT/GB2004/003186	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant RECKITT BENCKISER (AUSTRALIA) PTY LIMITED	International filing date (day/month/year) 22/07/2004

BEST AVAILABLE COPY

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Véronique Baillou
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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 11293P5 WO/JCM	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/GB2004/003186	International filing date (day/month/year) 22/07/2004	(Earliest) Priority Date (day/month/year) 23/07/2003
Applicant RECKITT BENCKISER (AUSTRALIA) PTY LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB2004/003186

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☒ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

1-15, 31-59
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-15

device with features

(a),(b),(b1)_ (1),(b2)_ (2),(c),(c1),(d),(e)

2. claims: 16-30

device with features

(a),(b),(b1)_ (1),(b2)_ (3),(c),(c1),(f)_ (4)

3. claims: 31-59

device with features (a),(b),(b1) (1),(b2) (2),(c) [clm.31],
(f)_ (5),(g),(h),(h1),(i)

4. claims: 60-67

device with features (a),(b),(h),(i),(i1)_ (6)

5. claims: 68,69

device with features (a),(b),(c),(i),(k)

6. claim: 70

device with features (a),(b),(c),(k)

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2004/003186

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61L9/03 A01M1/20

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61L A01M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 270 021 A (ZOBEL HOLDING S P A) 2 January 2003 (2003-01-02) paragraphs [0027], [0045]; figures 1-5 -----	1-15
X	US 5 945 094 A (MARTIN JOHN ET AL) 31 August 1999 (1999-08-31) figures 1-5 -----	1-15
X	US 5 903 710 A (MARTIN JOHN ET AL) 11 May 1999 (1999-05-11) figures 1-5 -----	1-15
X	US 6 123 935 A (MARTIN JOHN ET AL) 26 September 2000 (2000-09-26) figures 1-4 -----	1-15
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

15 December 2004

Date of mailing of the international search report

12. 01. 05

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Connor, M

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2004/003186

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 722 742 A (GLOBOL GMBH) 24 July 1996 (1996-07-24) figures 1-7 -----	1-15
X	WO 98/46284 A (JOHNSON & SON INC S C) 22 October 1998 (1998-10-22) figures 8-11 -----	31-59
X	DE 41 31 613 A (GLOBOL GMBH) 25 March 1993 (1993-03-25) figure 3 -----	31-59
P,X	US 2004/076410 A1 (ZOBEL FRANKO ET AL) 22 April 2004 (2004-04-22) figures 1,3,4 -----	31-59

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2004/003186

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
EP 1270021	A	02-01-2003	IT EP	MI20011296 A1 1270021 A1	20-12-2002 02-01-2003
US 5945094	A	31-08-1999	AU WO	7137698 A 9846285 A1	11-11-1998 22-10-1998
US 5903710	A	11-05-1999	AU WO	7119698 A 9846281 A1	11-11-1998 22-10-1998
US 6123935	A	26-09-2000	AU WO ZA	6974498 A 9846283 A1 9803043 A	11-11-1998 22-10-1998 20-10-1998
EP 0722742	A	24-07-1996	DE AU AU BR CN EG EP JP KR TR ZA	4446413 A1 695612 B2 4020095 A 9505736 A 1133257 A 21034 A 0722742 A2 8244842 A 231352 B1 960538 A2 9510121 A	27-06-1996 20-08-1998 04-07-1996 23-12-1997 16-10-1996 30-09-2000 24-07-1996 24-09-1996 15-11-1999 21-07-1996 06-06-1996
WO 9846284	A	22-10-1998	AU WO	6975798 A 9846284 A1	11-11-1998 22-10-1998
DE 4131613	A	25-03-1993	DE	4131613 A1	25-03-1993
US 2004076410	A1	22-04-2004	NONE		

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/003186

International filing date (day/month/year)
22.07.2004

Priority date (day/month/year)
23.07.2003

International Patent Classification (IPC) or both national classification and IPC
A61L9/03, A01M1/20

Applicant
RECKITT BENCKISER (AUSTRALIA) PTY LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Connor, M

Telephone No. +49 89 2399-8402



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/GB2004/003186

IAP20 Rec 1/2007/73 20 JAN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/003186

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-15

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/003186

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,31,45
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15,31-59
Industrial applicability (IA)	Yes: Claims	1-15,31-59
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

**WRITTEN OPINION OF THE
 INTERNATIONAL SEARCHING
 AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/003186

Re Item IV

Lack of unity of invention

- 1 The application lacks unity within the meaning of Rule 13 PCT because the following separate inventions are not so linked as to form a single general inventive concept:

Table 1: different inventions in the present set of claims

inv	claims	subject-matter
(1)	1-15	device with features (a),(b),(b1) ⁽¹⁾ , (b2) ⁽²⁾ , (c), (c1), (d), (e)
(2)	16-30	device with features (a),(b),(b1) ⁽¹⁾ , (b2) ⁽³⁾ , (c), (c1), (f) ⁽⁴⁾
(3)	31-59	device with features (a),(b),(b1) ⁽¹⁾ , (b2) ⁽²⁾ , (c)[clm.31], (f) ⁽⁵⁾ , (g), (h), (h1), (i)
(4)	60-67	device with features (a),(b), (h),(i),(i1) ⁽⁶⁾
(5)	68,69	device with features (a),(b), (c), (i),(k)
(6)	70	device with features (a),(b), (c), (k)

wherein features (a)-(k) correspond to:

- (a) means for storing chemicals;
- (b) wick means;
- (b1) in [continuous⁽¹⁾] contact with chemical formulation;
- (b2) located within⁽²⁾ / in contact with⁽³⁾ support means (c);
- (c) wick support means;
- (c1) with aperture;
- (d) means to co-locate aperture (c1) with heater means (which do not belong to device);
- (e) direct contact of heater means with wet wick;
- (f) indirect contact of heater means with wet wick through support means⁽⁴⁾ / substrate⁽⁵⁾;
- (g) releasably insertable into heater means;
- (h) housing enclosing portion of wick;
- (h1) having aperture;
- (i) substrate
- (i1) in contact with wick means, [and housing, storing means]⁽⁶⁾;
- (i2) having first layer in first material;
- (j) storing means and housing bond to substrate;
- (k) other

Inventions (1)-(6) are generally linked by the concept of a vaporizing device comprising a chemical formulation storage means, a wick, and a wick support means, suitable for being used together with a heater source, which is not novel --let alone inventive--. In particular, inventions (1) and (2) only are characterized by a wick support means having an aperture; the sole device defined such that the heat may be applied directly to the wick (feature (e)) is the one called for in claims 1-15 (cf. Figures 1-3); in the remaining devices heat is applied indirectly to the wick (feature (f)), or it is not specified). Consequently, none of inventions (2)-(6) is so linked with invention (1) as to form a single general inventive concept contrary to the requirements of Rule 13 PCT EPC.

As the applicant paid the search fees for inventions 1 and 3, examination is carried out for the first and third groups of inventions (claims 1-15, 31-59). The applicant is invited to limit the application accordingly, i.e., the other inventions are to be excised from the claims, description and drawings if any.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The present application does not meet the requirements of Article 6 PCT for the following reasons. The heater means are not part of the device called for in present claim 1.
 - 1.1 Although some references to the heater means are allowed to define certain features of the claimed device, claim 10 refers exclusively to features of the heater means per se, which are not part of the invention. Consequently, claim 10 should be deleted.
 - 1.2 The features expressed with respect to a heater means are construed broadly as "suitable for...", e.g., direct contact between the heater means and the wick (feature (e)) is considered fulfilled if there is an aperture permitting contact of the wick with a heater means. Similarly, means to co-locate aperture (c1) with heater means (feature (d)) is considered anticipated by any device, since said positioning means could simply consist of the shape of the device matching a cavity comprising the heater means.
 - 1.3 Claim 45 includes all the features of claim 31. Hence, claim 45 should be

reformulated as a claim dependent on claim 31, cf. Rule 6(4) PCT.

2 The following documents were cited in the search report:

D1: EP-A-1 270 021 (ZOBEL HOLDING S P A) 2 January 2003 (2003-01-02)
D2: US-A-5 945 094 (MARTIN JOHN ET AL) 31 August 1999 (1999-08-31)
D3: US-A-5 903 710 (MARTIN JOHN ET AL) 11 May 1999 (1999-05-11)
D4: US-A-6 123 935 (MARTIN JOHN ET AL) 26 September 2000 (2000-09-26)
D5: EP-A-0 722 742 (GLOBOL GMBH) 24 July 1996 (1996-07-24)
D6: WO 98/46284.A (JOHNSON & SON INC S C) 22 October 1998 (1998-10-22)
D7: DE 41 31 613 A (GLOBOL GMBH) 25 March 1993 (1993-03-25)
D8: US 2004/076410 A1 (ZOBEL FRANCO ET AL) 22 April 2004 (2004-04-22)

3 The device proposed in claim 1 of the present application cannot be considered as novel (Article 33(2) PCT) for the following reasons. The device of claim 1 comprises features (a),(b),(b1)⁽¹⁾,(b2)⁽²⁾,(c),(c1),(d),(e) as defined in point IV-1 supra. D1-D5 anticipate all these features as illustrated in Table 2 below.

Table 2: features called for in present claim 1 and disclosed in D1-D5

feature	D1	D2	D3	D4	D5
(a)	#7	#12	#22	#18	#5
(b)	#3	#14	#20	#16	#3
(b1)	cf. Fig.3	cf. Fig.1,4&5	cf. Fig.1	cf. Fig.1	cf. Fig.2&3
(b2)	cf. Fig.3	cf. Fig.1,4&5	cf. Fig.1	cf. Fig.1	cf. Fig.2&3
(c)	#4,5	#12,18	#15,25	#14,25	#15,16
(c1)	#15,8	#27	#28,17	#26	#10
(d)	[0027]&[0045], cf. V-1.2	cf. Fig.2, #25	cf. Fig.1, #17&26	#36	#30
(e)	[0027]&[0045], cf. V-1.2	cf. Fig.2, #25	cf. Fig. 1	#36	#30

4 The dependent claims 2-15 do not seem to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.

5 The device proposed in claims 31 and 45 of the present application cannot be

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/003186

considered as novel (Article 33(2) PCT) for the following reasons. D6, D7, and D8 (the latter, published between priority and filing dates of the present application, is not considered as prior art under the PCT) disclose all the features of claims 31 and 45 as listed in Table 3 below.

Table 3: features called for in present claim 31&45 and disclosed in D6-D9

feature	D6	D7	D8 (intermediate doc)
(a)	15	18	7
(b),(b1)	24 in contact w/ 25	30 in contact w/ 36	3
(f) ⁵	16; heater 12	back of 20	5
(h)	see area around 32	25	9
(i),(i1) ⁶	16	back of 20	5

^{5,6} see footnotes of Table 1

- 6 The dependent claims 32-44 and 46-59 do not seem to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.